

ECOS Fall Meeting
August 2015

Updated Hot Issues:

- **Arkansas Water Quality Standards Revisions:** R6 is currently reviewing 2014 revisions to the State's WQS (known as "Regulation 2" in the State). ADEQ provided a February 6 letter of clarification on several issues, and the Region expects to finalize and take action by the end of October. R6 is working closely with OW on the review. The state's revisions include changes to their minerals criteria, which were the target of State legislation passed in 2013. Due to inconsistencies with the CWA, R6 began the process to federalize over 20 NPDES permits during the summer of 2013, and the state legislature rescinded the legislation later that year.
- **EPA Action on Louisiana's 2014 303(d) List:** On July 21, 2015, Region 6 took final action on the LA 2014 303(d) list. EPA's action added 43 water bodies to the list submitted by the state, based on review of available data. Additions included 3 coastal segments west of the mouth of the Mississippi River due to impairment of dissolved oxygen. The same segments were added by R6 to the state's 2008, 2010, and 2012 lists. The low DO levels are thought to be the result of the Gulf Hypoxic Zone moving into near-shore waters. During the open comment period prior to EPA's final action, LDEQ submitted comments opposing EPA's proposed additions to the 2014 list. LDEQ is concerned that the traditional TMDL process is not appropriate for the situation. During the same comment period, several environmental groups submitted comments supporting EPA's proposed additions to the 2014 list.

New Hot Issues:

Issue: Treatment in a Manner Similar to a State (TAS) Determinations for Clean Water Act §303(c) and §401:

Message:

- Region 6 has is currently reviewing two applications for treatment in a manner similar to a state (TAS) for the Clean Water Act water quality standards (§303(c)) and water quality certification (§401) programs. The Citizen Potawatomi Nation and the Pueblo of Laguna each submitted TAS applications to Region 6 in fall 2014.
- Region 6 is following the review process outlined in the Agency's 2008 "TAS Strategy."
- In July 2015, Region 6 completed an approval action on the Pueblo of Santa Ana's TAS application for the water quality standards and certification programs.

Contact: Bill Honker, 214-665-3187

Arkansas

Issue: Georgia Pacific (GP) – Crossett – NPDES Permit Renewal

Message:

- The ADEQ issued NPDES Permit for GP Crossett (AR0001210) will expire on October 31, 2015, and the Region should be receiving a proposed draft permit renewal later this summer for review in accordance with the MOA between EPA and ADEQ.
- Region 6 is currently reviewing a draft modification to the GP Crossett permit to add chemical treatment to reduce sulfide emissions.
- The Region is also preparing a response to a Freedom of Information Request from Tulane Law Clinic regarding the GP-Crossett's NPDES permit.

Contact: Bill Honker, 214-665-3187

Background/Status:

Georgia-Pacific Corporation (Georgia-Pacific) operates a pulp and paper mill, a chemical plant, and a building products plant in Crossett, Arkansas, near the Arkansas-Louisiana state line. The wastewater and process area storm water is treated by an on-site industrial wastewater treatment system, and wastewater is discharged into Mossy Lake, then to Coffee Creek and ultimately into the Ouachita River. Since neither Mossy Lake nor Coffee Creek have applicable beneficial uses or water quality standards, the permit is protective of uses and standards applicable to the Ouachita River. Both Tulane Law Clinic and Ouachita River Keeper have expressed concern over the issued NPDES permit in the past.

New Mexico

Issue: Los Alamos MS4 Designation Decision

Message

- Various public, environmental and Tribal organizations concerned about environmental and human health impacts of pollutants primarily related to past and current LANL operations.
- Township and County of Los Alamos, LANL, NMDOT, and White Rock would be impacted by becoming a regulated MS4.
- Several ephemeral and intermittent waters in the Los Alamos area are listed as impaired for one or more pollutants including PCBs, gross alpha, aluminum, copper, zinc, arsenic, selenium, thallium, and mercury and several of the listed water quality impairments are for human health water quality standards.
- Several Tribes are located below LANL.
- Notice of a preliminary designation decision published in the Federal Register on 3/17/15.
- Designation would cover the Los Alamos and White Rock Urban Clusters and LANL property within Los Alamos County (not the entire county).
- Comment period ended on June 15, 2015.
- Citizens for Clean Water, Amigos Bravos, and most individual commenters support designation. Los Alamos National Lab comments focused primarily on the designation boundary.
- However, Los Alamos County, New Mexico Department of Transportation, and the New Mexico Environment Department oppose designation.

- EPA will finalize the preliminary designation by September 30, 2015.

Contact: Bill Honker, 214-665-3187

Background/Status:

- On June 30, 2014, Amigos Bravos petitioned Region 6 to designate for permitting currently unregulated storm water discharges in Los Alamos County contributing to violations of water quality standards.
- Los Alamos County, NM is home to LANL, which has contamination issues related to past activities dating back to WWII. Only limited portions of LANL are “industrial activity” and currently require a storm water permit.
- Under the individual storm water permit, LANL is allowed to delete sites from the permit following cleanup and confirmation run-off sampling. LANL claims that for some sites, run-on from urban and other areas already exceed water quality-based cleanup confirmation targets.
Note: In separate action, renewal of this permit proposed 3/28/15. LANL’s “contaminated run-on” information was used by Amigos Bravos in the petition.

New Mexico

Issue: NPDES Permit Reissuance for Los Alamos National Laboratory (LANL) Storm Water

Message:

EPA is working on response to comments and the final permit decision.

Background/Status:

- The individual storm water permit regulates storm water runoff from about 400 Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs).
- LANL has installed over 1000 BMPs to eliminate or mitigate runoff from those sites.
- The current permit expired 3/31/14, and has been administratively continued. EPA proposed the permit renewal on 3/28/15 and held a public meeting in Los Alamos on 5/6/15.

Contact: William Honker, Water Quality Protection Division, 214-665-7101

Issue: Injection Induced Seismicity

Message

- Recent earthquakes in several states, including Texas and more prevalently Oklahoma, are suspected or acknowledged by many to be caused by oil and gas related disposal wells.
- With the participation of several States, EPA led the development of a report on managing and minimizing injection induced seismicity.

Contact: Philip Dellinger, (214)-665-8324

Background/Status: The EPA/State report on managing and minimizing injection induced seismicity was released in February of this year and provides practical approaches for use by injection well regulators to address suspected injection-induced earthquakes. The report is largely based on lessons learned by state agencies that have experienced injection related earthquakes. Region 6 continues to provide technical support, primarily to Oklahoma, related to managing injection induced seismicity.

Texas

Issue: Texas DWSRF ULO

Message

- The Texas Drinking Water State Revolving Fund (DWSRF) has had a high unliquidated obligation (ULO) balance for more than ten years, e.g. as much as four times their annual allotment.
- Even though the Texas Water Development Board (TWDB) has accomplished statutory, regulatory and operational changes necessary to improve the DWSRF program, the cumulative financial indicators are not improving and remain well below the national average.

Contact: William Honker 214 665 7101

Background/Status:

- On April 14, 2014, EPA HQ released the “DWSRF ULO Reduction Strategy” to: 1. liquidate past years’ grant funds, and 2. maintain a lower level of ULO in future years.
- EPA Region 6 is concerned that TWDB will not meet goals/deadlines established by HQ including ‘full utilization of funds from previous DWSRF grants (FY 2013 and prior years’ funds) by the end of September 2016.’
- TWDB has been submitting quarterly reports and drawdown targets to EPA Region 6 since October 2014. While EPA commends TWDB for measures to reduce ULO; EPA remains very concerned that TWDB continues to miss their targets and therefore the pace of the ULO reduction remains low.
- EPA Region 6 would like to avoid issuing a notice of non-compliance to TWDB, as was issued by EPA Region 9 to the California Department of Public Health’s DWSRF program in 2013.

New Mexico

Issue: Gold King Mine Spill – Drinking Water Response

Message:

- In New Mexico, EPA has a team of two federal on-scene coordinators, two water quality experts

and ten technicians and contractors responding to the spill as it reaches communities in the state. Additional personnel are arriving in Farmington and will total 26 employees and contractors.

- Staffing is expected to continue to grow to support outreach and door-to-door canvassing. EPA is continuing to collect water quality samples from nine locations in the river near intakes for Aztec, Farmington, the Lower Valley Water Users Association, the Morning Star Water Supply System and the North Star Water User Association.
- EPA has two dedicated water quality experts available in New Mexico to assist the five drinking water systems. EPA and New Mexico Environment Department are providing free water quality testing for domestic drinking water wells along the river, and teams of qualified technicians are going door-to-door to collect samples for laboratory analysis.